

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA)	Criminal No. 494CR-137A
)	
v.)	Filed: [1/6/95]
)	
DARRELL HAWKINS,)	Violation:
)	
Defendant.)	15 U.S.C. § 1

GOVERNMENT'S MOTION FOR TRANSFER

The United States of America respectfully requests that an Order be entered transferring the above-entitled criminal action to the Honorable Terry Means, a Judge of this Court, for the purposes of re-arraignment, plea, and sentencing, and shows the following in support thereof:

1. On December 9, 1994, the United States filed four criminal Informations with the Clerk of this Court charging Amarillo Winnelson Company, Inc., Gerald Brandt, Morrison Supply Company and Darrell Hawkins each with a violation of the Sherman Act (15 U.S.C. §1). The Informations, copies of which are annexed hereto, were filed and randomly assigned as follows:

494CR-134Y -- U.S. v. Amarillo Winnelson Company, Inc.

494CR-135A -- U.S. v. Gerald Brandt

494CR-136Y -- U.S. v. Morrison Supply Company

494CR-137A -- U.S. v. Darrell Hawkins

2. The defendants named above are co-conspirators and charged with the same criminal conduct arising from the same criminal transaction. Also, Darrell Hawkins is an officer/employee of Morrison Supply Company and Gerald Brandt is an officer/employee of Amarillo Winnelson Company, Inc.

3. It is submitted that due to the legal and factual similarities of the cases against the defendants, and the relationship between corporate defendants and its officers, it serves the interest of judicial economy and efficiency for the same judge to preside over the re-arraignment, plea, and sentencing of all defendants.

4. Pursuant to local rule, U.S. v. Amarillo Winnelson Company, Inc., the first case filed with the Court, was randomly assigned to the Honorable Terry Means. When filed with the Clerk of this Court, U.S. v. Darrell Hawkins was randomly assigned to the Honorable John McBryde. The United States requests that the instant case be transferred to the Honorable Terry Means, a judge of this Court, who currently presides over the first case filed U.S. v. Amarillo Winnelson Company, Inc. and

U.S. v. Morrison Supply Company, where Darrell Hawkins is currently an officer/employee of the company.

5. The undersigned counsel has spoken with counsel for the defendant, Darrell Hawkins, who consents to the filing of this Motion to Transfer.

WHEREFORE, it is respectfully requested that an Order be entered transferring the above-entitled case to the Honorable Terry Means, a Judge of this Court, for the purposes of re-arraignment, plea, and sentencing.

Respectfully submitted,

"/s/" _____
William C. McMurrey

Trail Attorney
U.S. Department of Justice
Antitrust Division
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Government's Motion for Transfer and Proposed Order was sent via U.S. Mail on the 6th day of January, 1995, to the following:

David L. Botsford, Esq.
Alvis, Curssow, Cummins,
Hoeffner & Botsford
100 Congress Avenue, Suite 1700
Austin, TX 78701

_____/s/_____
William C. McMurrey

Trial Attorney
U.S. Department of Justice
Antitrust Division

UNITED STATES DISTRICT COURT

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UNITED STATES OF AMERICA)	Criminal No. 494-CR-137A
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DARRELL HAWKINS,)	Violation:
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ORDER FOR TRANSFER

UPON APPLICATION by the United States for an Order transferring the above-entitled criminal action to the Honorable Terry Means, a Judge of this Court, for the purposes of re-arraignment, plea, and sentencing; and it being represented by the United States that this criminal action is legally and factually related to a criminal action over which said Judge has been assigned to preside; and it being represented that counsel for the defendant has been notified of and consents to the filing of this motion by the United States;

THEREFORE, IT IS HEREBY ORDERED THAT: The above-entitled criminal action be transferred to Judge Terry Means for the purposes of re-arraignment, plea, and sentencing.

DONE AND ENTERED at Fort Worth, Texas, this ____ day of January, 1995.

HONORABLE JOHN MCBRYDE
UNITED STATES DISTRICT JUDGE